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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,987	04/16/2001	Keith E. Winkeler	5150-50200	6027
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
			EXAMINER ISMAIL, SHAWKI SAIF	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/835,987	Applicant(s) WINKELER ET AL.	
	Examiner Shawki S. Ismail	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-23 and 29-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-16, 19-23, 29-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **RESPONSE TO AMENDMENT**

1. This communication is responsive to the RCE received on November 2, 2005. Claims 1, 19, 29, 35 and 42 have been amended. Claims 17-18, 24-28 and 45-59 have been cancelled. Claims 1-16, 19-23 and 29-44 are pending.

### **The New Grounds of Rejection**

2. Applicant's amendment and arguments received on October 26, 2005 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16, 19-23, 29-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kley et al.**, (Kley), U.S. Patent No. **6,161,146** and in view of **Inohara et al.**, (Inohara), U.S. Patent No. **6,377,952**.

5. As to claim 1, Kley teaches a computer-implemented method for accessing data from a semaphore in a computer system, comprising:

including a first software component in a first application, wherein the first software component is operable to access data from the semaphore, wherein the semaphore is stored in a computer memory, wherein the semaphore is operable to

store data of any of a plurality of different data types, wherein the data comprised in the semaphore has a first data type of a plurality of different data types, and wherein the plurality of different data types comprises two or more of: wav file; numeric; text; tabbed text file; DSD file; formatted vector; formatted array; and tab delimited spreadsheet data; executing the first application (col. 4, lines 32-41, col. 7, lines 30-58, col. 11, lines 15-27);

Kley teaches receiving a uniform resource locator (URL) which specifies a location of the semaphore, wherein the location information is received in response to user input (col. 13, lines 34-46);

Kley does not explicitly teach where the first software component after accessing the data comprised in the semaphore, converting the data into a format useable by the first application. However Inohara teaches the invention related to a file format conversion method suitable for a plurality of computers to exchange over the World Wide Web information having a plurality of file formats (abstract, col. 1, lines 8-17.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Kley and Inohara to incorporate a format conversion method because doing so will help decrease processing time and increase transmission flow by making application more compatible among different platforms.

6. As to claim 2, Kley teaches the method of claim 1, wherein the first software component performs a locked read-modify-write operation on the data comprised in the semaphore (col.7, lines 38-58).

7. As to claim 3, Kley teaches the method of claim 1, wherein the first software component accessing the data comprised in the semaphore comprises:

the first software component locking the semaphore; the first software component reading the data comprised in the semaphore; the first software component writing new data to the semaphore; and the first software component unlocking the semaphore after said writing new data to the semaphore (col. 7, lines 38-51)

8. As to claim 4, Kley teaches the method of claim 3, further comprising:

receiving one or more requests to perform a locked read-modify-write operation on the data comprised in the semaphore from other software components; storing said one or more requests in a queue; and wherein said one or more requests are processed after said unlocking (col. 7, lines 38-51).

9. As to claim 5, Kley teaches the method of claim 1, further comprising:

the first application receiving and processing the data after said converting; wherein the first application uses the data comprised in the semaphore to synchronize operations with a second application executing on a second computer system (col. 2, lines 33-42)

10. As to claim 6, Kley teaches the method of claim 5, further comprising:

the first software component notifying the application that the data has been obtained after the software component connecting to the semaphore and receiving the data; and wherein the application receives and processes the data after said notifying (col. 8, lines 47-60)

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11. As to claim 7, Kley teaches the method of claim 5, wherein the software component connecting to the semaphore, the software component receiving the data, the software component converting the data, and the application receiving and processing the data are performed a plurality of times (col. 8, lines 47-60).

12. As to claims 8, 9, 10 and 11, Kley does not explicitly teach where the format is a self-describing format; wherein said converting comprises converting the data into a generic format; and wherein converting the data into a first format, wherein the first format includes the data and one or more attributes of the data.

However Inohara teaches the invention related to a file format conversion method suitable for a plurality of computers to exchange over the World Wide Web information having a plurality of file formats (abstract, col. 1, lines 8-17.) Inohara also teaches providing a file with a file name conversion method of obtaining the file name of a conversion destination file from the file name of a conversion-originating file (col. 4, lines 4-18.) Inohara also teaches that a file table may store various parameters of each file managed by the file system (col. 6, lines 48-65.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Kley and Inohara to incorporate a format conversion method because doing so will help decrease processing time and increase transmission flow by making application more compatible among different platforms.

13. As to claim 12, they contain similar limitation of claim 1; therefore they are rejected under the same rationale.

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14. As to claim 13, Kley teaches the method of claim 12, wherein the first and second applications use the semaphore to synchronize operation of the first and second applications (col. 2, lines 33-42).

15. As to claim 14, Kley teaches the method of claim 12, wherein the first computer system, the second computer system, and the computer memory are connected through a network (refer to fig. 2).

16. As to claim 15, Kley teaches the method of claim 12, wherein the computer memory storing the semaphore is comprised in one of the first computer system or the second computer system (refer to fig. 2, col. 4, lines 56-67).

17. As to claim 16, Kley teaches the method of claim 1, wherein accessing data from a semaphore in a computer system comprises publishing or writing data to the semaphore (col. 7, lines 38-58).

18. Claims 19-23 and 29-44 do not further teach or define any new limitations above claims 1-16, therefore; they are rejected for similar reasons.

19. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the

### **Response to Arguments**

20. Applicant's amendment and arguments received on October 26, 2005 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
January 23, 2006



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SUPERVISORY PATENT EXAMINER